

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

NEPTUNE TECHNOLOGIES &  
BIORESSOURCES, INC. and  
L'UNIVERSITÉ DE SHERBROOKE,

Plaintiffs,

v.

AKER BIOMARINE ANTARCTIC AS  
AKER BIOMARINE ASA,  
JEDWARDS INTERNATIONAL, INC. and  
VIRGIN ANTARCTIC LLC,

Defendants.

Case No. 1:09-cv-11946-MLW

**EXHIBITS A, C-E, H, J, AND O-R  
FILED UNDER SEAL**

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AKER BIOMARINE ANTARCTIC AS,  
JEDWARDS INTERNATIONAL, INC. and  
VIRGIN ANTARCTIC LLC,

Counterclaim Plaintiffs,

v.

NEPTUNE TECHNOLOGIES &  
BIORESSOURCES, INC. and  
L'UNIVERSITÉ DE SHERBROOKE,

Counterclaim Defendants.

**DECLARATION OF MATTHEW J. SHIELS IN SUPPORT OF AKBM ANTARCTIC'S  
MOTION TO PRECLUDE RELIANCE ON UNTIMELY PRODUCED  
DOCUMENTS AND EXPERT TESTIMONY**

I, Matthew J. Shiels, declare as follows:

1. I am a member of the state bar of Illinois and have been admitted *pro hac vice* in the District of Massachusetts. I work at in the Chicago office of the law firm of Kirkland & Ellis LLP, and I represent the Defendants and Counterclaim Plaintiffs in the above-captioned case.

2. I am familiar with the documents filed with the Court in this litigation, the Court's orders, and the documents and correspondence that have been served and produced in this case.

3. I have personal knowledge of the facts stated in this Declaration.

4. Attached hereto as Exhibit A is a true and accurate copy of a Mass Spectrometry Laboratory Analysis Report Analyzing NKO, dated July 16, 2007. Exhibit A contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

5. Attached hereto as Exhibit B is a true and accurate copy of a letter from Jason. Liss, counsel for Plaintiffs, to Matthew Shiels, counsel for Defendants, dated December 29, 2010.

6. Attached hereto as Exhibit C is a true and accurate copy of the transcript of the January 14, 2011 deposition of Marie-Eve Gauthier. Exhibit C contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

7. Attached hereto as Exhibit D is a true and accurate copy of a letter from Matthew Shiels to Vanits Ferrera, counsel for Plaintiffs, dated January 4, 2011. Exhibit D contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

8. Attached hereto as Exhibit E is a true and accurate copy of a letter from Matthew Shiels to Vinita Ferrera dated January 6, 2011. Exhibit E contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

9. Attached hereto as Exhibit F is a true and accurate copy of is a true and accurate copy of a letter from Matthew Shiels to Vinita Ferrera dated January 10, 2011.

10. Attached hereto as Exhibit G is a true and accurate copy of a letter from Vinita Ferrera to Matthew Shiels, dated January 5, 2011

11. Attached hereto as Exhibit H is a true and accurate copy of e-mail correspondence between Jason Liss and Matthew Shiels, dated January 10, 2011. Exhibit H contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

12. Attached hereto as Exhibit I is a true and accurate copy of an e-mail from Matthew Shiels to Jason Liss, dated January 13, 2011.

13. Attached hereto as Exhibit J is a true and accurate copy of an e-mail from Sadaf Abdullah, counsel for Plaintiffs, to Matthew Shiels, dated January 13, 2011. Exhibit J contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

14. Attached hereto as Exhibit K is a true and accurate copy of an e-mail from Jason Liss to Matthew Shiels, dated January 11, 2011.

15. Attached hereto as Exhibit L is a true and accurate copy of an e-mail from Jason Liss to Matthew Shiels, sent at 3:52 p.m. CST on January 13, 2011.

16. Attached hereto as Exhibit M is a true and accurate copy of e-mail from Jason Liss to Matthew Shiels, sent at 10:39 p.m. CST on January 13, 2011

17. Attached hereto as Exhibit N is a true and accurate copy of an e-mail sent from Jacob Oyloe, counsel for Plaintiffs, to Matthew Shiels on January 17, 2011.

18. Attached hereto as Exhibit O is a true and accurate copy of a letter from Matthew Shiels to Vinita Ferrera, dated January 7, 2010. Exhibit O contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

19. Attached hereto as Exhibit P is a true and accurate copy of a letter from Vinita Ferrera to Matthew Shiels, dated January 6, 2011. Exhibit P contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

20. Attached hereto as Exhibit Q is a true and accurate copy Plaintiffs' and Counterclaim Defendants' Responses to Defendants' and Counterclaim Plaintiffs' First Set of Requests For Production of Documents and Things (Nos. 1–128). Exhibit Q contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

21. Attached hereto as Exhibit R is a true and accurate copy of Plaintiffs' and Counterclaim Defendants' Responses to Defendants' and Counterclaim Plaintiffs' Amended First Set of Requests For Production of Documents and Things (Nos. 127–128). Exhibit R contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed: January 21, 2011

/s/ Matthew J. Shiels  
Matthew J. Shiels

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2011, a true and correct copy of the foregoing **DECLARATION OF MATTHEW J. SHIELS IN SUPPORT OF AKBM ANTARCTIC'S MOTION TO PRECLUDE RELIANCE ON UNTIMELY PRODUCED DOCUMENTS AND EXPERT TESTIMONY**, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on January 21, 2011.

/s/ Matthew J. Shiels